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CrI.O.P.No.6505 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.6505 of 2024
and
CrI.M.P.Nos.4786 & 4787 of 2024

Poonkodi
W/o.Boomiraj

...Petitioner

Vs

Velusamy
S/o.Vangiliappan

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the entire records in C.C.No.1351 of 2017 on the file of Fast Track Court, Magistrate Level II, Coimbatore and quash the same on merits in accordance with law.

For Petitioner : Mr.R.Krishnamurthy

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.1351 of 2017 pending on the file of Fast Track Court, Magistrate



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Level II, Coimbatore.

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2. The grounds raised by learned counsel for petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. The facts of this case and grounds raised in the quash petition do not fall within the parameters laid down by the Apex Court in ***State of Haryana and others v. Bhajanlal and others [(1992) Suppl (1) SCC 335]***. It is left open to the petitioner to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. Learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning u/s.313 Cr.P.C. and at the time of passing of final judgment and as and when required by the



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Court below.

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4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.1351 of 2017 within a period of three (3) months from the date of receipt of a copy of this order.

The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in ***Vinod Kumar Vs State of Punjab [2015 (1) MLJ (CrI) 288 SC]***. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***. Consequently, connected miscellaneous petitions are closed.

18.03.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

To

The Fast Track Court,

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Magistrate Level II,
Coimbatore.



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N.ANAND VENKATESH, J

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